

SECOND REGULAR SESSION

HOUSE JOINT RESOLUTION NO. 68

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SWAN.

4890H.02I

D. ADAM CRUMBLISS, Chief Clerk

JOINT RESOLUTION

Submitting to the qualified voters of Missouri an amendment repealing sections 4 and 51, of article IV of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to governor appointments.

Be it resolved by the House of Representatives, the Senate concurring therein:

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2018, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to article IV of the Constitution of the state of Missouri:

Section A. Sections 4 and 51, article IV, Constitution of Missouri, is repealed and two new sections adopted in lieu thereof, to be known as sections 4 and 51, to read as follows:

Section 4. The governor shall fill all vacancies in public offices unless otherwise provided by law, and his appointees shall serve until their successors are duly elected or appointed and qualified. **This article shall not justify the designation of temporary or permanent appointments who hold voting power in any board, commission, or department prior to senate confirmation.**

Section 51. The appointment of all members of administrative boards and commissions and of all department and division heads, as provided by law, shall be made by the governor. All members of administrative boards and commissions, all department and division heads and all other officials appointed by the governor shall be made only by and with the advice and consent of the senate. The authority to ~~act~~ **vote** of any person whose appointment requires the advice and consent of the senate shall commence ~~[, if the senate is in session,]~~ **only** upon

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

7 receiving the advice and consent of the senate. If the senate is not in session, [~~the authority to act~~
8 ~~shall commence immediately upon appointment by the governor but shall terminate if the advice~~
9 ~~and consent of the senate is not given within thirty days after the senate has convened in regular~~
10 ~~or special session]~~ **the person whose appointment requires advice and consent of the senate**
11 **shall be permitted to assume all nonvoting duties before senate confirmation.** If the senate
12 fails to give its advice and consent to any appointee, that person shall not be reappointed by the
13 governor to the same office or position.

Section B. Pursuant to chapter 116 and other applicable constitutional provisions and
2 laws of this state allowing the general assembly to adopt ballot language for the submission of
3 this joint resolution to the voters of this state, the official summary statement of this legislation
4 shall be as follows:

5 “Shall the Constitution of Missouri be amended to require that any gubernatorial
6 appointee be subject to the advice and consent of the Senate prior to exercising the power to vote
7 on any board, commission, or department to which they are appointed?”.

✓